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VIA ECF

May 16, 2016

Honorable Ramon E. Reyes, Jr., U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East, Rm. N208
Brooklyn, NY 11201

Re: Hendy Cohn v. New Century Financial Services, Inc. and Pressler & Pressler, LLP
United States District Court for the Eastern District of New York (Brooklyn)
Civil Action No. 1:14-cv-02855-RER
P&P File # C269997A

Dear Judge Reyes, Jr.:

The undersigned represents Defendants, Pressler & Pressler, LLP (“P&P”) and New Century Financial Services, Inc. (“NCFSI”) in the above-reference matter.

I write in response to Plaintiff’s letter dated May 10, 2016. (Docket Entry 27). Plaintiff attaches a recently issued press release and seeks leave to provide the Court with copies of the consent orders entered by P&P and NCFSI with the Consumer Financial Protection Bureau (“CFPB”). Defendants respectfully request that the Court strike Plaintiff’s submission. Defendants further request that the Court deny leave to submit the consent orders.

It is unfathomable how the press release and/or the consent orders entered have any relevance whatsoever to the merits of the claims Plaintiff has alleged against P&P and NCFSI. Specifically, the consent orders state that NCFSI and P&P “consent to the issuance” of the consent orders “without admitting or denying any of the findings of fact or conclusions of law” except that the CFPB had jurisdiction over the parties and subject matter of the consent orders.

Plaintiff appears to be attempting to submit the consent orders to prove action in conformity therewith. This is clearly violative of F.R.E. 404. There is simply no recognizable relevance that the press release and/or consent orders have to this Plaintiff’s claim. If Plaintiff did any investigation regarding the consent orders, there is not a single mention of “unlawfully inflating” any consumer’s balance, let alone Plaintiff’s in the present case. In fact, Plaintiff’s submission neither furthers his claim nor sheds any light on a defense to the arguments of Defendants in support of dismissal.

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The submission is frivolous and must be voluntarily withdrawn and/or stricken by this Court as purposed solely to scandalize and smear the Defendants in lieu of providing any substantive opposition to Defendants' motion. Defendants also request that the Court utilize its inherent authority to impose sanctions for bad-faith conduct and determine independently whether this conduct is violative of Fed. R. Civ. P. 11(b)(1) and impose appropriate sanctions on Plaintiff and/or its counsel.

I thank Your Honor for consideration of the foregoing.

Respectfully submitted,
PRESSLER & PRESSLER,LLP

/s/ Michael J. Peters

Michael J. Peters
MJP/MP

cc: Shimson Wexler, Esq. (via ECF)